

STATE OF VERMONT
DRUG RECOGNITION EVALUATION
 DPS 339



Rolling Log No. 08-17-17 Case Number 08A105000

Page 1 of 3 TO BE COMPLETED BY D.R.E. TRAINED PERSONNEL

Offense(s) Charged DUI / Possession of Amphetamines

Name (Last, First, Middle) [REDACTED] DOB [REDACTED] Age [REDACTED] Sex M Arresting Officer (Name/Agency) GEORGE MERKEL MIDDLEBURY PD

Date/Time of Arrest 11-5-08 2208 Breath test results .015 Time 2207 Refused Instrument #042630 Date/Time/Location of Examination 2315 MIDDLEBURY PD

Admonition of Rights given by? GEORGE MERKEL Rights Waived? ☐ Yes ☒ No What have you eaten today? --- Time? --- What have you been drinking? --- How much? --- Time of last drink? ---

Time Now? --- When did you last sleep? --- How long? --- Are you sick or injured? ☐ Yes ☒ No Are you diabetic or epileptic? ☐ Yes ☒ No

Do you take insulin? ☐ Yes ☒ No Do you have any physical defects? ☐ Yes ☒ No Are you under the care of a doctor/dentist? ☐ Yes ☒ No

Are you taking any medication or drugs? ☐ Yes ☒ No Do you have high blood pressure or heart disease? If yes, describe. ☐ Yes ☒ No Have you ever had a severe head injury? ☐ Yes ☒ No Do you have brain damage? ☐ Yes ☒ No

Speech MUMBLED Attitude/Behavior COOPERATIVE Coordination POOR Face NORMAL Breath/Odors NORMAL

Corrective Lenses ☐ Glasses ☐ Contacts ☐ Hard ☐ Soft ☐ None Eyes ☐ Normal ☒ Bloodshot ☐ Watery Blindness ☐ None ☐ Right Eye ☐ Left Eye

Pupil size ☒ Equal ☐ Unequal (explain) --- Able to follow stimulus? ☒ Yes ☐ No Eyelids ☐ Retracted ☒ Normal ☐ Droopy

Pulse & Time 1. 90, 2316 2. 110, 2336 3. 108, 2353 HGN Lack of smooth pursuit Max. deviation Angle of onset ☐ Resting (0) ☐ Rapid (35) ☐ Extreme (45) ☐ Immediate (0-30) ☐ Near extreme (40) ☒ None Right eye ☒ Yes ☐ No Left eye ☒ Yes ☐ No Vertical nystagmus? ☐ Yes ☒ No Convergence Right eye Left eye (3) One leg stand Timed 30 seconds Count # 20 Count # 25

(1) Romberg Balance --- (2) Walk and turn --- Cannot keep balance ☒ Started too soon ☐ Stopped walking ☐ Missed heel-toe ☐ Stepped off line ☐ Raised arms ☐ Actual steps taken 10 10 Type of footwear TENNIS SHOES

Internal clock 27 Estimated as 30 sec. Describe turn STUMBLING Cannot do test (explain) ---

(4) ☐ Right ☐ Left Finger/Nose --- Pupil Size: MM --- Nasal area BLUE POWDER Oral cavity/Tongue WHITE FILM / DRY MOUTH

Room Light 3 3 Near Total Darkness 8 8 Direct 4 4 Hippus ☐ Yes ☒ No Rebound dilation ☐ Yes ☒ No Reaction to light ☒ Normal ☐ Slow ☐ Little or None Visible

Blood pressure 148/92 Temperature 98.2 °F Muscle tone ☒ Near Normal ☐ Flaccid ☐ Rigid

Comments --- Chemical test time: --- Urine ☐ Blood ☒ Both tests refused ☐ Witness: OFFICER MERKEL

Drug admission? --- Examining Officer S/TPR. RAVELIN I.D. Number --- IACP/DRE # 15470

Agency VSP-WILLISTON Reviewed by LT. [Signature] Opinion of Evaluator: ☐ Rule Out ☐ Alcohol ☒ Stimulant ☐ Dissociative Anesthetic ☐ Inhalant ☐ Medical ☐ Depressant ☐ Hallucinogen ☐ Narcotic Analgesic ☐ Cannabis

Name (Last, First, Middle)

Violations

T 23 VSA 1201(a)(3)

Drug recognition evaluation report/narrative

1: **Location:** The evaluation was conducted at the Middlebury Police Department in the DUI processing room.

2: **Witness:** The entire evaluation was witnessed by Officer George Merkel of Middlebury Police Department.

3: **Breath Test:** A preliminary breath test was obtained from [REDACTED] with a result of .015% BrAC at approximately 2207 hours using an Alco IV serial number 042630.

4: **Notification/Interview of A/O:** At approximately 2240 hours, Officer Merkel requested a DRE evaluation on [REDACTED] after receiving calls of a vehicle operating erratically. Upon arrival to the area, Officer Merkel observed a single vehicle collision. The vehicle involved matched the description given by witnesses. Officer Merkel stated while investigating the collision it was learned [REDACTED] was the operator. Officer Merkel stated [REDACTED] had admitted to drinking alcohol and snorting amphetamines. Officer Merkel observed a blue power in [REDACTED] nostrils. Officer Merkel stated Israel performed poorly on Field Sobriety Exercises and provided a sample of his breath with a Preliminary Breath Test result of .015% BrAC.

5: **Initial Observations:** I first observed [REDACTED] in the DUI processing room at Middlebury Police Department. I noted his eyes were bloodshot. His movements were uncoordinated. I noted blue residue around [REDACTED] right nostril.

6: **Medical Problems:** [REDACTED] asked if he could take one of his Clonazepam and pointed to an orange prescription bottle that was sitting on the counter with the rest of his belongings. I advised [REDACTED] I preferred it if he did not. [REDACTED] did not persist.

7: **Psychophysical Tests:** [REDACTED] exhibited impairment throughout many portions of the psychophysical tests. On the Walk and Turn, [REDACTED] could not balance during instructions. He took an incorrect number of steps by taking ten steps when instructed to take nine. [REDACTED] turned incorrectly by stumbling to regain his balance. He missed touching heel to toe on steps 2,3,6,7, and 8 in the first set of nine steps and missed touching heel to toe on all the steps in the second set of nine steps. Israel used his arms for balance. On the One Leg Stand, [REDACTED] swayed while balancing, used his arms for balance, put his foot down five times, and counted quickly taking twenty seconds to count to thirty while standing on the left foot. While standing on the right foot, [REDACTED] swayed while balancing, used his arms for balance, put his foot down twice and took twenty five seconds to count to thirty. On the Finger to Nose, [REDACTED] failed to touch his finger to his nose on number four. He missed his nose all together.

Subscribed and sworn to before me on

this 16 day of November 2008

(Notary Public)

(Judicial Officer)

(Affiant)

(date)

Name (Last, First, Middle)

Violations

T 23 VSA 1201(a)(3)

Drug recognition evaluation report/narrative

8: **Clinical Indicators:** EYES: [REDACTED] pupils were of equal size and he was able to follow a stimulus. He had a lack of smooth pursuit in both the left and right eyes. I observed a lack of convergence in the left eye. [REDACTED] pupil sizes were at the low end of normal in room light and high end of normal in near total darkness and direct lighting conditions. VITAL SIGNS: [REDACTED] pulse was at the high end of normal on one reading and above normal on the other two readings (90, 110, and 108). His blood pressure was above normal at 148/92.

9: **Signs of Ingestion:** [REDACTED] had a blue powder residue inside of both nasal passages. He had a white film on his tongue.

10: **Statements:** [REDACTED] stated he would have a hard time doing the tests sober or on amphetamines.

11: **Opinion of Evaluator:** In my opinion, [REDACTED] was under the influence of CNS Stimulants and unable to operate a motor vehicle safely.

12: **Toxicological Sample:** [REDACTED] was transported to Porter Hospital to draw a sample of his blood. The result is pending.

13. **Miscellaneous:** I am a Nationally Certified Drug Recognition Expert since July 2008

Subscribed and sworn to before me on

this 16 day of November 2008

[Signature]
(Notary Public) (Judicial Officer)

[Signature]
(Affiant)
11-16-08
(date)

DRE -- Ravelin -- 000100